

## **REMARKS**

Claims 1-7 were previously canceled via preliminary amendment.

Claims 8-28 are pending in the application. Claims 11-14 and 24-26 were withdrawn.

No new claims have been added.

Favorable consideration is respectfully requested in light of the foregoing clarifying amendments and the following remarks.

### **I. Election/Restriction**

Claims 8-10, 15-19, 20-23, 27 and 28 were acknowledged as reading on the elected species and were examined. Claims 11-14 and 24-26 were initially withdrawn from consideration as being drawn to non-elected subject matter.

As previously noted in the Response to Election/Restrictions, Applicant reserves the right, upon allowance of a generic claim, to consideration of claims to additional species that are written in appropriate form.

### **II. Claim Objections**

Claims 16 and 22 were objected to based upon informalities.

Claim 16 has been amended to make a minor grammatical correction.

Claim 22 is actually accurate, and claim 9 has instead been amended to address the noted informality. Support for the amendment is found, for example and without limitation, in section [0006] of the application as filed.

Withdrawal of the foregoing objections is respectfully requested.

### **III. Claim Rejections – 35 U.S.C. §112**

Claims 10 and 28 were rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement.

#### **A. Claim 10**

Claim 10, which depends from claim 8, recites that “the mirror foot comprises a base pivot, around which the mirror housing, under action of the actuator, is pivotally arranged with respect to the mirror foot.”

Claim 8 states that “the actuator is configured to move adjacent surfaces of the mirror housing and the mirror foot transversely with respect to each other between a first position, in

which the adjacent surfaces of the mirror housing and the mirror foot form a slit, and a second position, in which the adjacent surfaces abut each other.”

The Action contends that the construction of such an actuator and any necessary associated mechanisms capable of performing the required movements are not set forth in the specification or drawings.

Applicant respectfully traverses that rejection. Sections [0015], [0018], [0019], [0020] and [0021] of the specification, when viewed in connection with the drawing figures (e.g., FIGS. 1 and 2), sufficiently disclose how the recited elements can be pivotally arranged, and how adjacent surfaces of the mirror housing and the mirror foot may move transversely (for instance, via linear actuator 13) with respect to each other between a first position and a second position, such that persons of ordinary skill in the art would be able to practice the claimed invention without undue experimentation.

B. Claim 28

Claim 28 depends from claim 24 (currently withdrawn from consideration).

Claim 28 requires that “at least a portion of one of the contact surfaces of the mirror foot or the mirror housing is comprised of an elastically deformable material.”

The Action asserts that there is no support in the specification for use of an elastically deformable material in connection with the FIG. 1 embodiment.

Applicants respectfully submit that while the disclosure of an elastically deformable material in connection with a mirror housing may be discussed in connection with a particular embodiment, the disclosure is not per se limited to a single exemplary embodiment.

Nevertheless, without prejudice, and for purposes of streamlining the instant examination, rather than having the claim subsequently withdrawn from consideration (as alluded to in the Action), Applicant has amended claim 28 to depend from considered independent claim 27.

**IV. Claim Rejections – 35 U.S.C. §102**

Claims 8-10, 15-23, 27 and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,239,928 to Whitehead et al. (“Whitehead”).

The mirror disclosed by Whitehead is essentially an extension mirror of the type generally useful in towing a vehicle. Among other things, the assembly disclosed by Whitehead does not teach or disclose a slit that is formed between adjacent surfaces of the mirror foot (i.e.,

the mirror mounting bracket 14 of Whitehead) and mirror housing (i.e., the mirror subassembly 12 of Whitehead) as claimed. Moreover, the pivot for the mirror housing that is disclosed in Whitehead is simply associated with a mounting flange 58 provided within the mirror mounting bracket.

The purported “slit” of Whitehead (i.e., a space formed between elements 12 and 14 in FIG. 2) is not formed between adjacent surfaces of the mirror housing and mirror foot as operationally claimed by Applicant. Nonetheless, for added clarification, pending independent claims 8 and 20 have been amended to clarify that the pivot that relates to the claimed unit is outside of the mirror foot.

Claims 9-10, 15-19 depend, directly or indirectly from claim 8, and claims 21-23, and 27 and 28 depend, directly or indirectly, from claim 20. Therefore, for at least the foregoing reasons, such claims are also not anticipated by Whitehead.

Moreover, pending claims 8-10, 15-23, 27 and 28 are also not obvious in view of Whitefield. As noted in Whitehead at column 7, lines 30-41, the assembly relies on a force to overcome a friction for a “break-away” at the position shown, for example, in FIG. 3. There is absolutely no teaching or suggestion to move the break-away or pivot point outside of the mirror mounting bracket.

Withdrawal of the rejections is therefore respectfully requested.

**CONCLUSION**

Applicant has made a sincere good faith effort to place the claim in condition for allowance. However, should the Examiner believe anything is necessary or further desirable in order to place the application in condition for immediate allowance, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

It is not believed that any additional fees are due with respect to the submission of this Amendment. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge Deposit Account Number 04-2223, for matter 65445-0003, in the name of Dykema Gossett PLLC.

Respectfully submitted,

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